

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JAMES HAYDEN,	)	Case No. 1:17-cv-02635
	)	
Plaintiff,	)	Judge Christopher A. Boyko
	)	
vs.	)	
	)	
2K GAMES, INC. and TAKE-TWO	)	
INTERACTIVE SOFTWARE, INC.,	)	
	)	
Defendants.	)	

**PLAINTIFF’S MOTION TO EXCLUDE OR STRIKE  
DEFENDANT’S UNTIMELY AND IMPROPER REPLY EXPERT REPORTS**

Pursuant to Federal Rules of Civil Procedure 16, 26, and 37, Plaintiff, James Hayden (“Hayden”) respectfully moves the Court to exclude Defendants’, 2K Games, Inc. and Take-Two Interactive Software, Inc. (“Take-Two”), untimely and improper reply expert reports, titled Supplemental Expert Report of James E. Malackowski and Supplemental Report of E. Deborah Jay, Ph.D. As further detailed in the attached Brief in Support, Take-Two’s expert reports are untimely, prejudicial, and unjustified.

Dated: August 30, 2021

Respectfully submitted,

By: /s/ Andrew Alexander  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2021, a copy of the foregoing was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

*/s/ Andrew Alexander*

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One of the attorneys for Plaintiff